

# ZILKA-KOTAB

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## FAX COVER SHEET

Date: March 3, 2005	Phone Number	Fax Number
To: Examiner G. Gurshman		(703) 872-9306
From: Kevin J. Zilka		

Docket No: NAI1P004/00.006.01

App. No: 09/585,811

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

### Message:

Please deliver to Examiner Gurshman.

Thank you,

Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

\*\*\*\*\*  
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AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

March 3, 2005

Practitioner's Docket No. NAI1P004/00.006.01

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: D. Melchione

Application No.: 09/585,811

Group No.: 2132

Filed: 05/31/2000

Examiner: Gurshman

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR PROCESS-BASED  
SELECTION OF VIRUS DETECTION ACTIONS

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed December 6, 2004, finally rejecting claims 1, 3-7, 9-13, 15-18, and 24-29.

## 1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

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**CERTIFICATION UNDER 37 C.F.R. " 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

— deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10\*

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**TRANSMISSION**

☒ facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.

Date: 3/3/05

Signature

Melissa D. Orvis

(type or print name of person certifying)

\* Only the date of filing (" 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under " 1.8 continues to be taken into account in determining timeliness. See " 1.703(f). Consider "Express Mail Post Office to Addressee" (" 1.10) or facsimile transmission (" 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

Other than a small entity \$500.00

Notice of Appeal fee due \$500.00

**3. EXTENSION OF TERM**

Applicants believe no extension of time is due. Should an extension of time be required, the commissioner is hereby authorized to charge the required fee to deposit account 50-1351 (order no. NAIP004).

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$500.00

**TOTAL FEE DUE \$500.00**

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$500.00 to Deposit Account No. 50-1351 (Order No. NAIP004).

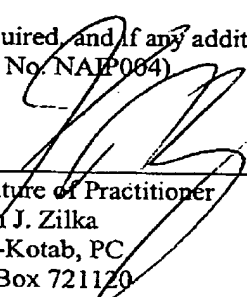
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

If any additional extension and/or fee are required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAIP004).

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
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\_\_\_\_\_  
Signature of Practitioner  
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